IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 16499 of 2007(L)

PETITIONER:

T.U.UDAYAN, PRESIDENT,
TRICHUR DISTRICT CO-OPERATIVE BANK LTD.,
TRICHUR.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

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1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,

2. SRI.G.SUDHAKARAN,
MINISTER FOR CO-OPERATION,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. P.N. SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.16499 of 2007

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Dated this the 13th day of June, 2007

JUDGMENT

Petitioner challenges Exts.P1 and P5 order. Ext.P1 is a notice. Ext.P5 is the order passed under Section 32 of the Kerala Co-operative Societies Act. Among the contentions taken by the petitioner, one of the contentions is that Section 32 is flouted in so far as there was no consultation as was contemplated by the decision reported in **Sahadevan v. Padmanabhan** (2004(1) K.L.T. 192).

2. Learned Government Pleader after getting instructions in the matter would submit that Ext.P5 order is afflicted by procedural irregularities in so far as there was no consultation as mandated in law. It is also submitted that the first respondent is withdrawing Ext.P5 order, that of course with liberty to pass fresh orders in accordance with law. In such circumstances the writ petition is disposed of as follows:

The submission of the learned Government Pleader that Ext.P5 is vitiated on account of non-compliance with Section 32(2) is recorded. I also record the submission of the learned Government Pleader that

Ext.P5 shall be recalled. In the light of this submission, there is no need to quash Ext.P5. However, I make it clear that I have not pronounced on the other contentions raised by the petitioner. Of course I make it clear that it is open to the respondents to proceed in the matter in accordance with law.

(K.M. JOSEPH, JUDGE)

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